

# **EXHIBIT 2**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Gary E. Harman, Bruno Donzelli, and Shiping Deng

Serial No. : 09/927,984

Cnfrm. No. : 5985

Filed : August 10, 2001

For : PRODUCTION AND USE OF INDUCIBLE ENZYMES FROM  
TRICHODERMA AND BACTERIA FOR CONTROL OF PLANT PESTS  
AND FOR INDUSTRIAL PROCESSES

TRANSMITTAL LETTER

Commissioner For Patents  
Washington, D.C. 20231  
Box: Missing Parts

Dear Sir:

In response to the Notice to File Missing Parts of Application Under 37 CFR 1.53(b), which was mailed by the United States Patent and Trademark Office on September 21, 2001, enclosed are:

- ☒ Two Combined Declarations and Powers of Attorney (4 pages total).
- ☒ A Request for One-Month Extension of Time.
- ☒ Applicant claims small entity status. (See 37 CFR 1.27.)
- ☒ Response to Notice to Comply with 37 C.F.R. §§ 1.821 – 1.825.
- ☒ A copy of the Notice to File Missing Parts.
- ☒ A self-addressed, prepaid postcard for acknowledging receipt.
- ☒ Fees as calculated below:

FEE FOR ONE-MONTH EXTENSION OF TIME	\$55.00
SURCHARGE 37 CFR 1.16(e)	\$65.00
ADDITIONAL FEES	\$
TOTAL FEES SUBMITTED HERewith	\$120.00

- ☒ A check in the amount of \$120.00 to cover the above fees.

- [X] The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 14-1138. A duplicate copy of this sheet is enclosed.

Date: November 26, 2001



Michael L. Goldman


Registration No. 30,727

NIXON PEABODY LLP  
Clinton Square, P.O. Box 31051  
Rochester, New York 14603-1051  
Telephone: (716) 263-1304  
Facsimile: (716) 263-1600

**Certificate of Mailing - 37 CFR 1.8(a)**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on the date below.

11/28/01  
Date

  
Jo Ann Whalen

COMBINED DECLARATION FOR PATENT  
APPLICATION AND POWER OF ATTORNEY  
(Includes Reference to PCT International Applications)

ATTORNEY'S DOCKET NUMBER  
19603/3431 (CRF D-2716A)

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**PRODUCTION AND USE OF INDUCIBLE ENZYMES FROM TRICHODERMA AND BACTERIA FOR CONTROL OF  
PLANT PESTS AND FOR INDUSTRIAL PROCESSES**

the specification of which (check only one item below):

☐ is attached hereto.

☒ was filed as U.S. Patent Application Serial No. 09/927,984 on August 10, 2001 and was amended on \_\_\_\_\_  
(if applicable).

☐ was filed as PCT International Application Number \_\_\_\_\_ on \_\_\_\_\_ and was amended under PCT Article 19  
on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specifications, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim priority benefits under Title 35, United States Code, § 119 of any application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States listed below and have also identified below any application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

**PRIOR APPLICATION(S) AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. 119:**

COUNTRY (IF PCT, indicate "PCT")	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 USC 119
United States	60/225,700	11-August-2000	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

**COMBINED DECLARATION FOR PATENT  
APPLICATION AND POWER OF ATTORNEY (Continued)**  
(Includes Reference to PCT International Applications)

**ATTORNEY'S DOCKET NUMBER**  
**19603/3431 (CRF D-2716A)**

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT International filing date of this application:

**PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. 120:**

**U.S. APPLICATIONS**

**STATUS (Check One)**

**U.S. APPLICATION NUMBER**

**U.S. FILING DATE**

**PATENTED**

**PENDING**

**ABANDONED**

**PCT APPLICATIONS DESIGNATING THE U.S.**

**PCT  
APPLICATION NO.**

**PCT  
FILING DATE**

**U.S. SERIAL NUMBERS  
ASSIGNED (if any)**

**POWER OF ATTORNEY:** As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. **Michael L. Goldman, Registration No. 30,727; Joseph M. Noto, Registration No. 32,163; Ann R. Pokalsky, Registration No. 34,697; Gunnar G. Leinberg, Registration No. 35,584; Edwin V. Merkel, Registration No. 40,087; Georgia Evans, Registration No. 44,597; Alice Y. Choi, Registration No. 45,758; Andrew K. Gonsalves, Registration No. 48,145; Noreen L. Connolly, Registration No. P48,987; John Campa, Registration No. P49,014**

**Send Correspondence to:**

**Michael L. Goldman, Esq.  
NIXON PEABODY LLP  
Clinton Square, P.O. Box 31051  
Rochester, New York 14603-1051**

**Direct telephone calls to:  
Michael L. Goldman  
(716) 263-1304**

201	<b>FULL NAME OF INVENTOR</b>	<b>FAMILY NAME</b> Harman	<b>FIRST GIVEN NAME</b> Gary	<b>SECOND GIVEN NAME</b> E.
	<b>RESIDENCE &amp; CITIZENSHIP</b>	<b>CITY</b> Geneva	<b>STATE/FOREIGN COUNTRY</b> New York	<b>COUNTRY OF CITIZENSHIP</b> United States
	<b>POST OFFICE ADDRESS</b>	<b>P.O. ADDRESS</b> 3986 Braewood Lane	<b>CITY</b> Geneva	<b>STATE &amp; ZIP CODE/COUNTRY</b> New York 14456/USA
202	<b>FULL NAME OF INVENTOR</b>	<b>FAMILY NAME</b> Donzelli	<b>FIRST GIVEN NAME</b> Bruno	<b>SECOND GIVEN NAME</b>
	<b>RESIDENCE &amp; CITIZENSHIP</b>	<b>CITY</b> Geneva	<b>STATE/FOREIGN COUNTRY</b> New York	<b>COUNTRY OF CITIZENSHIP</b> Italy
	<b>POST OFFICE ADDRESS</b>	<b>P.O. ADDRESS</b> 7 John Street	<b>CITY</b> Geneva	<b>STATE &amp; ZIP CODE/COUNTRY</b> New York 14456/USA
203	<b>FULL NAME OF INVENTOR</b>	<b>FAMILY NAME</b> Deng	<b>FIRST GIVEN NAME</b> Shiping	<b>SECOND GIVEN NAME</b>
	<b>RESIDENCE &amp; CITIZENSHIP</b>	<b>CITY</b> Stillwater	<b>STATE/FOREIGN COUNTRY</b> Oklahoma	<b>COUNTRY OF CITIZENSHIP</b> United States
	<b>POST OFFICE ADDRESS</b>	<b>P.O. ADDRESS</b> 5522 W. 8th Avenue	<b>CITY</b> Stillwater	<b>STATE &amp; ZIP CODE/COUNTRY</b> Oklahoma 74074/USA

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

**SIGNATURE OF INVENTOR 201**

**SIGNATURE OF INVENTOR 202**

**SIGNATURE OF INVENTOR 203**

**DATE** 10/23/01

**DATE** 10/23/2001

**DATE**

COMBINED DECLARATION FOR PATENT  
APPLICATION AND POWER OF ATTORNEY  
(Includes Reference to PCT International Applications)

ATTORNEY'S DOCKET NUMBER  
19603/3431 (CRF D-2716A)

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the specification of which (check only one item below):

☐ is attached hereto.

☒ was filed as U.S. Patent Application Serial No. 09/927,984 on August 10, 2001 and was amended on \_\_\_\_\_  
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			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

**COMBINED DECLARATION FOR PATENT  
APPLICATION AND POWER OF ATTORNEY (Continued)**  
(Includes Reference to PCT International Applications)

**ATTORNEY'S DOCKET NUMBER**  
**19603/3431 (CRF D-2716A)**

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**U.S. APPLICATIONS**

**STATUS (Check One)**

**U.S. APPLICATION NUMBER**

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**ABANDONED**

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**PCT  
APPLICATION NO.**

**PCT  
FILING DATE**

**U.S. SERIAL NUMBERS  
ASSIGNED (if any)**

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**Send Correspondence to:**

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Clinton Square, P.O. Box 31051  
Rochester, New York 14603-1051**

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**SIGNATURE OF INVENTOR 201**

**SIGNATURE OF INVENTOR 202**

**SIGNATURE OF INVENTOR 203**

**DATE**

**DATE**

**DATE**

*Oct-2-01*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Gary E. Harman, Bruno Donzelli, and Shiping Deng

Serial No. : 09/927,984

Cnfrm. No. : 5985

Filed : August 10, 2001

For : PRODUCTION AND USE OF INDUCIBLE ENZYMES FROM  
TRICHODERMA AND BACTERIA FOR CONTROL OF PLANT PESTS  
AND FOR INDUSTRIAL PROCESSES

REQUEST FOR ONE-MONTH EXTENSION OF TIME

Commissioner for Patents  
Washington, D.C. 20231  
Box: Missing Parts

Dear Sir:

Applicants hereby request a One-Month Extension of Time in responding to the  
Patent Office communication mailed **September 21, 2001**.

Enclosed herewith are the following items:

- 1) A check to cover the \$55.00 fee for said extension of time;
- 2) A duplicate copy of this letter; and
- 3) A self-addressed prepaid postcard acknowledging receipt of the above-identified material.

Please charge our Deposit Account No. 14-1138 for additional fees that may be incurred.

Respectfully submitted,

Date: November 26, 2001



Michael L. Goldman  
Registration No. 30,727

NIXON PEABODY LLP  
Clinton Square, P.O. Box 31051  
Rochester, New York 14603-1051  
Telephone: (716) 263-1304  
Facsimile: (716) 263-1600

Certificate of Mailing - 37 CFR 1.8(a)	
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on the date below.	
Date 11/28/01	Jo Ann Whalen



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) :	Harman et al.	)	Examiner:
		)	Unknown
Serial No. :	09/927,984	)	
		)	Art Unit:
Cnfrm. No. :	Unknown	)	Unknown
		)	
Filed :	August 10, 2001	)	
		)	
For :	PRODUCTION AND USE OF INDUCIBLE	)	
	ENZYMES FROM TRICHODERMA AND	)	
	BACTERIA FOR CONTROL OF PLANT	)	
	PESTS AND FOR INDUSTRIAL PROCESSES	)	

RESPONSE TO NOTICE TO COMPLY WITH 37 C.F.R. §§ 1.821-1.825

Commissioner For Patents  
Washington, D.C. 20231  
Box: Missing Parts

Dear Sir:

In response to the Notice to Comply with 37 C.F.R. §§ 1.821-1.825, applicants submit that the nucleotide sequences disclosed in paragraph 23, page 6, of the instant application are nucleotide sequences of less than 10 nucleotides each. Therefore, the requirement for submission of a Paper Sequence Listing under 37 C.F.R. §§ 1.821-1.825 does not apply in the above-referenced patent application.

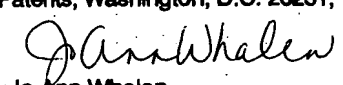
Respectfully submitted,

Date: November 25, 2001



Michael L. Goldman  
Registration No. 30,727

NIXON PEABODY LLP  
Clinton Square, P.O. Box 31051  
Rochester, New York 14603-1051  
Telephone: (716) 263-1304  
Facsimile: (716) 263-1600

Certificate of Mailing - 37 CFR 1.8(a)	
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on the date below.	
11/28/01	
Date	Jo Ann Whalen



UNITED STATES PATENT AND TRADEMARK OFFICE



RECEIVED Page 1 of 2

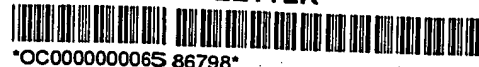
JAN 22 2004

TECH CENTER 4600/2900  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/927,984	08/10/2001	Gary E. Harman	1 9603/3431 (CRF D-2716A)

CONFIRMATION NO. 5985

FORMALITIES LETTER



\*OC000000006S 86798\*

Michael L. Goldman, Esq.  
NIXON PEABODY LLP  
Clinton Square  
P.O. Box 31051  
Rochester, NY 14603-1051

RECEIVED

FEB 04 2004

TECHNOLOGY CENTER R3700

Date Mailed: 09/21/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

## Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 65.
- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216

- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

---

*A copy of this notice **MUST** be returned with the reply.*



---

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

## UTILITY/DESIGN PATENT

(Missing Parts)

Date: 11/28/01Date of O.A.: 9/21/01

Rec'd in the U.S. Patent &amp; Trademark Office on the date stamped hereon

via Certificate of Mail:

Case # 19603/3431S/N: 09/927,984Filed: August 10, 2001Applicant: Harman et al.Title: PRODUCTION AND USE OF INDUCIBLE Acty: MLG/NLCVERIFIED BY: Asst: JAW

Quality Control: \_\_\_\_\_

☒ Transmittal Letter In Duplicate☒ Decl. and Power of Attorney (4 pages total)☐ Decl. by Inventor☐ Assignment in \_\_\_\_\_ pgs.☐ Power of Attorney Under Rule 32☒ Request for One Mo. Extension of Time in Duplicate☐ Small Entity Statement☒ Copy of Notice to File Missing Parts☐ Letter Requesting Refund☒ \$ 1200 Check for Missing Parts☐ \$ \_\_\_\_\_ Check for Assignment☒ Response to Notice to Comply with 37 CFR § 1.825

*Noel L. Connolly, Esq.*

Nixon Peabody LLP

P.O. Box 31051, Clinton Square

Rochester, New York 14603-1051

ENTERED

Nixon Peabody LLP

DEC 03 2001

FILE 19603/3431  
 DATE 9/3

CHECK COPY

11/26/2001

Vendor # 02337  
Request # 321835

Check #

1590

1590

NIXON PEABODY LLP  
ATTORNEYS AT LAWPATENT DISBURSEMENT ACCOUNT  
P.O. Box 31051  
Rochester, NY 14603CHASE MANHATTAN BANK, N.A.  
ROCHESTER, NY50-17  
223

THE SUM 120 DOLLARS AND 00 CENTS\*\*\*\*\*

\$

120.00

PAY

PAY EXACTLY

TO THE ORDER OF COMMISSIONER FOR PATENTS AND TRADEMARKS

NON-NEGOTIABLE

DOCUMENT CONTAINS VOID PANTOGRAPH AND MICRO-PRINT SIGNATURE LINE - MAGNIFY TO VIEW

THIS DOCUMENT HAS VISIBLE AND INVISIBLE FLUORESCENT FIBERS - VIEW UNDER BLACK LIGHT - TRUE WATERMARK IN PAPER - HOLD TO LIGHT TO VIEW

11/26/2001

Vendor # 02337  
Request # 321835  
CHASE MANHATTAN BANK, N.A.  
ROCHESTER, NY

1590

NIXON PEABODY LLP  
ATTORNEYS AT LAWPATENT DISBURSEMENT ACCOUNT  
P.O. Box 31051  
Rochester, NY 1460350-17  
223

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⑈001590⑈ ⑆022300173⑆512060460⑈

Vendor No: 02337

Request No: 321835

Check Date: 2001-11-26

Check No:

1590

REFERENCE NO.	INVOICE NO.	INVOICE AMOUNT	DESCRIPTION
11/26/2001	Disb	120.00	Commissioner of Patents and Trademarks - Filing fee for missing parts and one-month extension of time (19603/3431)
TOTAL \$		\$120.00*	

DETACH STATEMENT BEFORE DEPOSITING CHECK

NIXON PEABODY LLP, P.O. BOX 31051, ROCHESTER, NY 14603